



2. Plaintiff brings this action to challenge Defendant's actions with regard to attempts by Defendant, a debt collector, to unlawfully and abusively collect a debt allegedly owed by Plaintiff, and this conduct caused Plaintiff's damages.
3. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **JURISDICTION AND VENUE**

4. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
5. Because Defendant conducts business in the state of Missouri, personal jurisdiction is established.
6. Venue is proper pursuant to *28 U.S.C. 1391(b)(1)*.
7. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

### **PARTIES**

8. Plaintiff is a natural person who resides in Kansas City, Missouri, and is allegedly obligated to pay a debt, and Plaintiff is a "consumer" as that term is defined by *15 U.S.C. 1692a(3)*.
9. Defendant is a debt collector law firm and sought to collect a consumer debt from Plaintiff that was allegedly due and owing from Plaintiff, and Plaintiff is a "debtor" as that term is defined by *Cal. Civ. Code § 1788.2(h)*.
10. Defendant is a law firm debt collector with an office in Warren, Macomb County,

Michigan

11. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
12. Defendant is a law firm debt collector that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection as that term is defined by *Cal. Civ. Code §1788.2(b)*, and is a "debt collector" as that term is defined by *Cal. Civ. Code §1788.2(c)*.

### **FACTUAL ALLEGATIONS**

13. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt.
14. Defendant places collection calls to Plaintiff from the number (804) 234-9057 seeking and demanding payment for an alleged consumer debt.
15. Defendant places collection calls to the number (816) 763-8257.
16. Defendant placed so many collection calls that Plaintiff was forced to change his telephone number.

### **COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

17. Defendant violated the FDCPA based on the following:
  - a. Defendant violated *§1692d* of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, and abuse Plaintiff.
  - b. Defendant violated *§1692d(5)* of the FDCPA by causing the phone to ring and engaging Plaintiff in telephone conversations repeatedly.

c. Defendant violated §1692f of the FDCPA by engaging in unfair and unconscionable means to collect or attempt to collect the alleged debt.

18. As a direct and proximate result of one or more or all of the statutory violations above Plaintiff has suffered emotional distress (see Exhibit "A").

**WHEREFORE**, Plaintiff, GARY COLLINS, respectfully requests judgment be entered against Defendant, ASSET ACCEPTANCE, LLC, for the following:

- 19. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
- 20. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
- 21. Actual damages,
- 22. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
- 23. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By:           /s/ Patrick Cuezze            
Patrick Cuezze  
Attorneys for Plaintiff  
Krohn & Moss, Ltd.  
10635 Santa Monica Blvd. Suite 170  
Los Angeles, CA 90025

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, GARY COLLINS, hereby demands trial by jury in this action.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF MISSOURI)

Plaintiff, GARY COLLINGS, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, GARY COLLINGS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
GARY COLLINGS

**EXHIBIT A**

I have suffered from the following due to, or made worse by, the actions of the Defendant's debt collection activities:

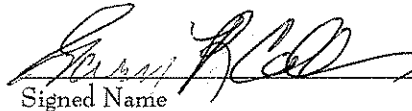
- |   |            |    |
|---|------------|----|
| 1. Sleeplessness  | <u>YES</u> | NO |
| 2. Fear of answering the telephone                            | <u>YES</u> | NO |
| 3. Nervousness  | <u>YES</u> | NO |
| 4. Fear of answering the door                                 | <u>YES</u> | NO |
| 5. Embarrassment when speaking with family or friends         | <u>YES</u> | NO |
| 6. Depressions (sad, anxious, or "empty" moods)               | <u>YES</u> | NO |
| 7. Chest pains  | <u>YES</u> | NO |
| 8. Feelings of hopelessness, pessimism                        | <u>YES</u> | NO |
| 9. Feelings of guilt, worthlessness, helplessness             | <u>YES</u> | NO |
| 10. Appetite and/or weight loss or overeating and weight gain | <u>YES</u> | NO |
| 11. Thoughts of death, suicide or suicide attempts            | <u>YES</u> | NO |
| 12. Restlessness or irritability                              | <u>YES</u> | NO |
| 13. Headache, nausea, chronic pain or fatigue                 | <u>YES</u> | NO |
| 14. Negative impact on my job                                 | <u>YES</u> | NO |
| 15. Negative impact on my relationships                       | <u>YES</u> | NO |

Other physical or emotional symptoms you believe are associated with abusive debt collection activities: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Pursuant to 28 U.S.C. § 1746(2), I hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.*

Dated: \_\_\_\_\_

  
Signed Name

\_\_\_\_\_  
Printed Name